

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AARON ATLEE PARSONS,  
Plaintiff,

v.

ALAMEDA COUNTY SHERIFF  
DEPARTMENT, et al.,  
Defendants.

Case No. 14-cv-04674-HSG (PR)

**ORDER DIRECTING PLAINTIFF TO  
SERVE OR TO PROVIDE LOCATION  
OF UNSERVED DEFENDANT**

Plaintiff, a California prisoner proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On June 22, 2015, the Court screened plaintiff's first amended complaint and found that it stated a cognizable Eighth Amendment claim of deliberate indifference to safety. Service has been ordered on eight defendants, including plaintiff's former public defender, Judith A. Browne, for whom plaintiff provided a home address for service.

On July 31, 2015, the summons for defendant Browne was returned unexecuted with the following remark by the United States Marshal: "Spoke with property manager. House is a rental. Browne moved out late 2014. Location unknown." Docket No. 24. Accordingly, defendant Browne has not been served.


Although a plaintiff who is incarcerated and proceeding *in forma pauperis* may rely on service by the Marshal, such plaintiff "may not remain silent and do nothing to effectuate such service;" rather, "[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge." *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). Absent a showing of "good cause," a complaint pending for over 120 days is subject to dismissal without prejudice. *See* Fed. R. Civ. P. 4(m).

1 Plaintiff has not provided sufficient information to allow the Marshal to locate and serve  
2 defendant Browne. Consequently, plaintiff must remedy the situation or face dismissal of his  
3 claims against Browne without prejudice. *See Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir.  
4 1994) (holding prisoner failed to show cause why prison official should not be dismissed under  
5 Rule 4(m) where prisoner failed to show he had provided Marshal with sufficient information to  
6 effectuate service).

7 Accordingly, within **sixty (60) days** of the date this order is filed, plaintiff must effect  
8 service on defendant Browne, or submit to the Court sufficient information to identify and locate  
9 defendant Browne such that the Marshal is able to effect service. **Failure to do so will result in**  
10 **dismissal of defendant Browne without prejudice pursuant to Rule 4(m) of the Federal Rules**  
11 **of Civil Procedure.**

12 **IT IS SO ORDERED.**

13 Dated: 9/1/2015

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15 HAYWOOD S. GILLIAM, JR.  
16 United States District Judge  
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